IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

CRP.No. 1163 of 2004()

AGAINST THE ORDER DATED 07/08/2004 IN EP 11/2004 IN OS.408/2000 of MUNSIFF COURT, PARAVUR

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REVN. PETITIONER: 2ND JUDGMENT DEBTOR

SIVADASAN S/O. KUMARAN, ODASSERY,
MOOTHAKUNNAM VILLAGE & MURI,
WORK ASSISTANT, KERALA AGRO MACHINERY
CORPORATION, ATHANI, THRISSUR.

BY ADV. SRI.K.A.SREEJITH
SRI.S.ASOK KUMAR

RESPONDENTS:

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1. SWAJANA KSHEMA VARGHINI SABHA,
PULIYAMTHURUTH MURI, PUTHENVELIKKARA VILLAGE,
REP.BY ITS PRESIDENT KARUNAKARAN,
S/O. AYYAPPAN, VENNANASSERY, DO.

2. RAJAMMA W/O. BAHULEYAN, RETD.
HEADMISTRESS, THOTTUNGAL, PARAVUR.

3. MURUKESAN S/O. VENMANASSERY
SREEDHARAN, PULIYATHURUTH KARA,
PUTHENVELIKKARA VILLAGE.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP No.1163 OF 2004

ORDER ON I.A. 2851 OF 2004 IN C.R.P. No. 1164 OF 2004

DISMISSED

03.08.2007 SD/- PIUS C. KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE, J.

C.R.P.No. 1163 OF 2004

Dated this the 3rd day of August, 2007

O R D E R

Impugned in this Civil Revision Petition under Section 115 is the order of the execution court finding that attachable portion of the salary is Rs.1,000/- per mensum and ordering attachment of the salary at that rate.

2. Heard Sri.K.A.Sreejith, learned counsel for the petitioner. Mr.Sreejith submitted that there are several deductions from the salary of the petitioner and his take home salary will be only a pittance. He also submitted that the petitioner is only a surety and that the principal judgment debtor is in a very affluent circumstances and it is possible for the decree holder to recover the entire decree debt from the principal judgment debtor alone.

A perusal of the impugned order will show that the execution court passed the same after perusing the salary certificate and after ensuring that the attachable portion of the salary is Rs.1,000/-. The order of attachment was passed on 07.08.04. I am quite sure that, by now, the salary of the petitioner would have increased considerably and if a recent salary certificate of the petitioner is seen, the attachable portion will be much more than what is ordered to be attached. As for the

submission of the learned counsel for the petitioner that after the deductions, the take home salary is less than Rs.1,000/-, it is to be noticed that the petitioner himself is to blame for the deductions. The attachment of the salary of a person will have to be decided with reference to Section 60 CPC. I do not find any infirmity in the impugned order and hence I dismiss the Civil Revision Petition.

PIUS C. KURIAKOSE, JUDGE

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